

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

H.A., BY HER MOTHER, JENNIFER JACOBSON,

Plaintiff,

v.

Case No: 20-cv-0674

THE CUBA CITY SCHOOL DISTRICT,

Defendant.

**PETITION FOR COURT APPROVAL OF MINOR SETTLEMENT
AND DISTRIBUTION OF PROCEEDS**

Plaintiff, H.A., by her mother, Jennifer Jacobson, by her attorneys, Gingras, Thomsen & Wachs, petition the Court to approve the settlement of H.A.'s claim as follows:

1. H.A. is the biological daughter of Jennifer Jacobson, and was born on April 22, 2010.

2. This Petition is made to secure Court approval to settle all claims that Minor has or may have against Defendant the Cuba City School District. Minor seeks authorization and approval by the Court to accept the settlement proceeds and to execute any release regarding her claim. The settlement offer is fair and reasonable, and it is in the best interest of Minor that the settlement offer be accepted and approved by the Court.

I. Background Information

3. This action was brought pursuant to Title II of the Americans with Disabilities Act and Rehabilitation Act. Plaintiff H.A., by her mother, Jennifer Jacobson, who alleged that CCSD staff discriminated against H.A. on the basis of her disability. CCSD disputed the allegations. As a result, said minor child has a claim against one or more persons or entities, including their respective insurance carriers.

II. Litigation History

4. Throughout these proceedings, Plaintiff, has been represented by her attorney, Paul A. Kinne of Gingras, Thomsen & Wachs. On behalf of Plaintiff, her attorneys conducted investigation into H.A.'s claim, filed a Complaint, conducted discovery, coordinated case and discovery strategy with Plaintiff, participated in mediation, and negotiated a settlement.

5. The Complaint was filed on July 22, 2020 (Dkt. #1).

6. Attorneys for Plaintiff conducted written discovery on behalf of Plaintiff. Attorneys for Plaintiff also assisted the Plaintiff with responding to written discovery.

7. In an effort to resolve the litigation, the parties scheduled mediation, which took place on May 27, 2021.

III. Settlement Terms

8. Defendant has offered Forty-Nine Thousand Dollars (\$49,000) to resolve this suit. (See Exhibit A –Settlement Agreement and General Release).

9. Because Defendant's liability and the extent of Minor's damages are in dispute, litigation would involve additional expense and uncertainty, which could result in a recovery less favorable than the proposed settlement. Minor and her attorneys have concluded that this settlement offer is the best offer that can be obtained and it is in the best interest of Minor that the settlement offer be accepted and approved by the Court.

10. Minor submits and requests disbursement of the settlement proceeds as follows:

A. Present Value of Settlement	\$49,000.00
i. Attorney Fees (40%)	\$19,600.00
ii. Costs (See Exhibit B – Costs)	\$444.25
 B. Amount Payable to Minor	 <u>\$28,955.75</u>

The Amount Payable to Minor: All funds would be put in an FDIC insured bank account with instructions that withdrawal is prohibited without court approval except upon documented proof presented to the financial institution of payment made by Jennifer Jacobson on H.A.'s behalf for medical or educational expenses.

11. Any assets remaining in H.A.'s account as of H.A.'s 21st birthday will be distributed to her in full.

WHEREFORE, Minor requests this Court enter an order:

1. Approving in all respects the settlement and disbursement of settlement proceeds on the basis recited herein; and

2. Authorizing and directing Defendant the Cuba City School District to pay Forty-Nine Thousand Dollars (\$49,000) to Gingras, Thomsen & Wachs, in trust, with the direction to have said funds disbursed as set forth herein.

Dated this 30th day of July, 2021.

GINGRAS THOMSEN & WACHS LLP

Attorneys for Plaintiff

s/ Paul A. Kinne

Paul A. Kinne

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